

## **BILL ANALYSIS**

Senate Research Center  
84R3451 MAW-D

S.B. 722  
By: Perry  
Natural Resources & Economic Development  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law does not disqualify individuals from receiving unemployment benefits for submitting to, but failing, a drug test required by an employer as part of the preemployment process or for refusing, without good cause, to submit to drug test required by an employer as part of the preemployment process. S.B. 722 provides that an individual who submitted to a preemployment drug test required by an employer, but failed that drug test or refused, without good cause, to submit to a preemployment drug test required by an employer, is disqualified from receiving unemployment benefits.

As proposed, S.B. 722 amends current law relating to a disqualification for unemployment benefits for refusing to take or failing a preemployment drug test.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 1 (Section 207.047, Labor Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 207.047, Labor Code, by adding Subsections (a-1) and (a-2), as follows:

(a-1) Provides that, for purposes of Subsection (a) (relating to certain requirements that disqualify an individual for benefits), an individual is considered to have failed, without good cause, to accept suitable work offered to the individual by an employer if:

(1) as a condition of employment, the employer required the individual to submit to a preemployment drug test; and

(2) the individual:

(A) refused, without good cause, to submit to the drug test; or

(B) failed the drug test, unless the failure was caused by the use of a substance that was prescribed by a health care practitioner as medically necessary for the individual.

(a-2) Requires the Texas Workforce Commission (TWC) by rule to specify the circumstances under which a person is considered to have good cause for refusing to submit to a drug test under Subsection (a-1).

SECTION 2. Requires TWC, not later than December 1, 2015, to adopt rules necessary to implement Section 207.047(a-1), Labor Code, as added by this Act.

SECTION 3. Makes application of this Act prospective to December 1, 2015.

SECTION 4. Effective date: September 1, 2015.